

September 18, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: In the matter of Request for Review by Elyria Public Library of Decision of
Universal Service Administrator
CC Docket No. 02-60

Dear Secretary Dortch:

Please consider this letter a request for appeal of the USAC July 26, 2013 decisions regarding the following two (2) Form 471 e-rate applications:

1. Applicant's Form Identifier: tw1314
Form 471 Application Number: 931547
2. Applicant's Form Identifier: ph1314
Form 471 Application Number: 925909

Billed Entity Number: 129422

FCC Registration Number: 0013802756

Applicant: Elyria Public Library
320 Washington Avenue
Elyria Oh 44035-5125

Both Forms 471 were certified out-of-window by USAC.

I request a waiver of the filing deadline, and the restoration of \$21,465.60 in funding.

On October 29, 2012, Hurricane Sandy crossed Elyria, OH, dumping over 8 inches of rain on the area in a short period of time. It caused a 36 hour power outage in the area where the EPLS Administrative Offices are located, so the two sump pumps in the basement were not operational. The elevator shaft filled with water, and as the elevator was on its lowest level, the cab was in the water. Hydraulic fluid from the elevator escaped into the flood water in the basement, creating a pollution hazard. After the cleanup of the water, the original asbestos floor tile curled up and had to be removed by a certified asbestos abatement company. The total clean up and repair cost was in excess of \$135,000.

Located in the flooded area was the IT office. IT Director Frank Szuch, who doubles as Facilities Manager for the 5-branch Elyria Public Library System, not only had to move his department, but was responsible for relocating three additional departments to alternate sites. He was without a desk and telephone and computer for a length of time, and what files of his that were not ruined in the flood had to be relocated to storage so that the renovation could take place. He then supervised the entire renovation project, which took over 6 months. Attached is some documentation of that situation.

Although Mr. Szuch managed to get our 470s filed, and two of our 471s, from his home, he ultimately discovered that we were missing necessary documentation to finish the final two 471s. After fruitlessly searching through the items that had been placed in storage, he determined that those files were lost in the flood. He then had to recreate from alternate sources the amount to be requested for the total pre-discount account for the 471, and obtain copies of telephone and cable bills for the Item 21 attachments. This delayed our actual filing by more than a week, resulting in the out-of-window submission.

The loss of \$21,465.60 in e-rate funding, on top of the uninsured loss suffered due to the flooding, presents a significant financial hardship to the Elyria Public Library System. Therefore, I request that full funding be restored.

This would seem to fall under the Bishop Perry ruling, given that:

1. circumstances outside of our control resulted in the late filing of our two FCC Forms 471;
2. the violation is procedural, not substantive, therefore a complete rejection of these applications is not warranted; and
3. the denial of funding would inflict undue hardship on the Elyria Public Library.

Please feel free to contact me if you are in need of additional information or documentation. Thank you for your consideration.

Sincerely,

Lyn Crouse, Director
Elyria Public Library System